

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JOHN DAVID STULTZ, #273-205, 1171556:

Plaintiff :

v. : CIVIL ACTION NO. PWG-16-255

DOCTOR JOHN DOE :

DOCTOR MABOOB ASHRAF :

WEXFORD HEALTH SOURCES, INC. :

Defendants :

MEMORANDUM

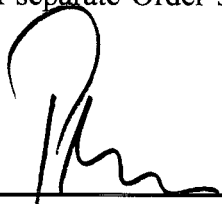
John David Stultz has filed a civil rights complaint under 42 U.S.C. § 1983, seeking injunctive relief and money damages against Wexford Health Sources, Inc. (“Wexford”) and two of its employees, only one of which is identified. Stultz, a self-represented prisoner housed at the North Branch Correctional Institution in Cumberland, Maryland (“NBCI”), alleges that medical personnel are not providing treatment for a serious eye condition. (ECF No. 1). Stultz’s Motion for Leave to Proceed In Forma Pauperis (ECF No. 2) will be provisionally granted pending computation of his initial partial filing fee pursuant to 28 U.S.C. § 1915(a)(2). For reasons set forth herein, his civil rights claim under the Eighth Amendment shall proceed solely against Doctor Maboob Ashraf.

Under § 1983, liability is imposed on “any person who shall subject, or cause to be subjected, any person . . . to the deprivation of any rights....” 42 U.S.C. § 1983. “[A] private corporation is not liable under § 1983 for torts committed by [its employees] when such liability is predicated solely upon a theory of *respondeat superior*.” See *Austin v. Paramount Parks, Inc.*, 195 F.3d 715, 727-28 (4th Cir. 1999); *Powell v. Shopco Laurel Co.*, 678 F.2d 504, 506 (4th Cir. 1982); *Clark v. Maryland Dep’t of Public Safety & Corr. Servs.*, 316 Fed. App’x 279, 282 (4th

Cir. 2009). Dr. John Doe and Doctor Maboob Ashraf are “persons” who may be held responsible for injury under the civil rights statute; Wexford, a corporation, may not, on the claims asserted here. Wexford shall be dismissed from this action.

This case shall proceed against Defendant Ashraf alleging a failure to provide adequate and appropriate medical care in violation of the Eighth Amendment. Should Stultz identify Dr. John Doe, he, too, may become a defendant in this case. A separate Order shall be entered in accordance with this Memorandum.

0223/16
Date



Paul W. Grimm
United States District Judge